

REMARKS/ARGUMENTS

Applicants acknowledge receipt of the Advisory Action dated March 19, 2007 wherein the Examiner maintained her rejections set forth in the January 17, 2007 Final Office Action (“Final Office Action”) and further cited *Brothers* (U.S. 2003/0121659) (“*Brothers*”), which had previously only been cited as a 35 U.S.C. § 102(e) reference, as a 35 U.S.C. § 102(a) reference to counter Applicants’ disqualification of *Brothers* based on the provisions of 35 U.S.C. § 103(c). *See* Advisory Action at 2. Thus, aside from the Final Office Action’s rejections, apparently the instant application’s claims 1, 2, 4, 9-11, and 13-16 now stand rejected under 35 U.S.C. § 102(a) as being anticipated by *Brothers* as well. For reference, the Final Office Action’s rejections include: (1) claims 1, 2, 4, 9-11, and 13-16 rejected under 35 U.S.C. § 102(e) as being anticipated by *Brothers*; (2) claims 3, 5, 7, 8, and 12 rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of Krishanan (U.S. 5,900,451) (“*Krishanan*”); and (3) claim 6 rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of Griffith et al. (U.S. 6,448,206) (“*Griffith*”).

Status of the Claims

Claims 1 and 8 are currently amended.

Claims 7, and 17-35 have been canceled.

Claims 2-6 and 9-16 are in their original form.

Claims 1-6, and 8-16 are currently pending in this application.

Rejections under 35 USC §§ 102(a) & (e)

As evidenced by the Final Office Action’s bases for rejecting claims 1-16 of the instant application, claim 7 is not anticipated by *Brothers*. *See* Final Office Action at 5 (“*Brothers* is

silent as to whether the collodially stabilized latex remains substantially stable in the presence of salt”).’ Based on the reasoning of the Final Office Action, Applicants have inserted the substance of claim 7 into the newly amended claim 1 and have canceled claim 7. As such, *Brothers* does not anticipate the newly amended claim 1 or its dependent claims 2, 4, 9-11, and 13-16.

Rejections under 35 USC § 103(a)

Claims 3, 5, 7, 8, and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of *Krishanan*. Similarly, claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Brothers* in view of *Griffith*. Forthwith, Applicants, pursuant to 37 C.F.R. § 1.130, are submitting 1) a terminal disclaimer in accordance with 37 C.F.R. § 1.321(c) (Exhibit 1 hereto) and 2) a declaration stating that the instant application and *Brothers* are currently owned by the same party and that the instant application’s inventors are the prior inventors under 35 U.S.C. § 104 (Exhibit 2 hereto). See 37 C.F.R. § 1.130. Accordingly, in view of the above-stated submissions, *Brothers* is disqualified as 35 U.S.C. § 103 prior art against the instant application. Since neither the Final Office Action nor the Advisory Action has made any intimation that either *Krishanan* or *Griffith* alone would render the instant application obvious, claims 3, 5, 6, 8, and 12 are now in condition for allowance.

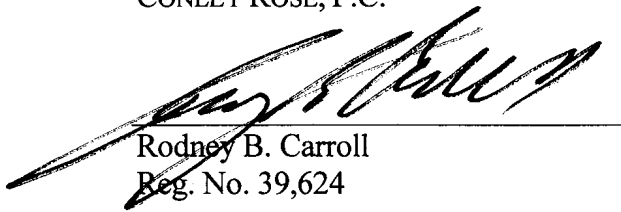
CONCLUSION

Consideration of the foregoing amendments and remarks, reconsideration of the application, and withdrawal of the rejections are respectfully requested by the Applicants. No new matter is introduced by way of the amendment. It is believed that each ground of rejection raised in the Advisory Action dated March 19, 2007 has been fully addressed. If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to contact the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 3-28-07


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